

Bill Tracking

2011 Legislative Session

As of 4-8-11

(The bills we believe are of greatest interest to the judiciary have bill status information under the summary.)

House Bills

[H0016](#) – ISTARS – Adds to powers of the Department of Administration with respect to information technology; would authorize the Department to coordinate the acquisition and installation of all information technology of the legislative and judicial branches, and would authorize the Board of Examiners to order the Department to receive physical custody and control of information technology in the possession of any department or institution.

01/18 House intro - 1st rdg - to printing

01/19 Rpt prt - to St Aff

[H0019](#) – CONTROLLED SUBSTANCES – Would adopt the “Idaho Compassionate Use Medical Marijuana Act,” allowing the dispensing of marijuana to patients with certain specified debilitating medical conditions.

01/19 House intro - 1st rdg - to printing

01/20 Rpt prt - to Health/Wel

[H0026](#) – CRIMES AND CRIMINAL PROCEDURE – Increases the Peace Officers Standards and Training (POST) Fund fee paid by each person found guilty of a crime or infraction from \$10.00 to \$11.50.

01/20 House intro - 1st rdg - to printing

01/21 Rpt prt - to Jud

01/27 Rpt out - rec d/p - to 2nd rdg

01/28 2nd rdg - to 3rd rdg

02/01 3rd rdg - **FAILED - 31-35-4**

Filed in Office of the Chief Clerk

[H0027](#) – CRIMES AND CRIMINAL PROCEDURE – Amends I.C. § 18-915, which provides for increased penalties for assaults and batteries on certain personnel, to include assaults and batteries on emergency services dispatchers and POST employees involved in peace officer decertification activities.

Governor signed

Session Law Chapter 9

Effective: 07/01/11

[H0028](#) – MEDICAL CARE – Amends I.C. § 18-611, relating to freedom of conscience for health care professionals, to provide that no health care professional shall refuse to follow the patient’s or physician’s directions in a living will, durable power of attorney for health care, or physician orders for scope of treatment.

01/20 House intro - 1st rdg - to printing

01/21 Rpt prt - to St Aff

[H0033](#) – CRIMES AND CRIMINAL PROCEDURE – Authorizes law enforcement officers appointed by the governing body of a federally recognized Indian tribe in Idaho who have completed basic POST training to enforce stat laws within the exterior limits of the reservation of the tribe; would remove requirement of deputization by a sheriff or police chief. [Replaced by HB111]

01/21 House intro - 1st rdg - to printing

01/24 Rpt prt - to Jud

[H0036](#) – CRIMES AND CRIMINAL PROCEDURE – Amends I.C. § 33-2401 et seq., regarding postsecondary educational institutions and proprietary schools; makes it a misdemeanor to violate the provisions of I.C. § 33-2404, regarding proprietary schools' agent's certificates of identification; makes it a felony to knowingly or willfully violate any of the other provisions of the chapter (with, however, a penalty of up to 12 months imprisonment in a county jail).

01/25 House intro - 1st rdg - to printing

01/26 Rpt prt - to Educ

[H0050](#) – REAL PROPERTY – Amends I.C. § 67-6519 of the Local Land Use Planning Act to provide that applications for zoning changes and subdivisions shall first be submitted to the planning and zoning commission, but allows counties to determine by ordinance what other applications must be submitted to the planning and zoning commission.

01/26 House intro - 1st rdg - to printing

01/27 Rpt prt - to Loc Gov

[H0055](#) – BUSINESS – Adopts a Revised Uniform Unincorporated Nonprofit Association Act.

01/26 House intro - 1st rdg - to printing

01/27 Rpt prt - to Bus

02/17 Rpt out - rec d/p - to 2nd rdg

02/18 2nd rdg - to 3rd rdg

02/24 Ret'd to Bus

[H0058](#) – PUBLIC EMPLOYEES – Amends I.C. § 59-901, to specify how vacancies occur in elective civil offices; removes provision stating that a vacancy occurs when an office holder accepts a commission to any military office which requires the incumbent to exercise his military duties out of the state for a period of not less than 60 days.

01/26 House intro - 1st rdg - to printing

01/27 Rpt prt - to St Aff

02/22 Rpt out - rec d/p - to 2nd rdg

02/23 2nd rdg - to 3rd rdg

02/24 3rd rdg - **FAILED - 28-40-2**

Filed in Office of the Chief Clerk

[H0059](#) – CONSTITUTIONAL LAW – Declares that the State of Idaho, on behalf of its citizens, is the final arbiter of whether an act of Congress is unconstitutional, and that the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010 are unconstitutional; states that no "judge of an Idaho state court shall issue any order to

levy or execute on the property of any Idaho citizen to collect any amounts assessed against such citizen for failure to comply with any provision” of those laws.

01/26 House intro - 1st rdg - to printing

01/27 Rpt prt - to St Aff

[H0061](#) – DUI – Amends I.C. §§ 18-8002 and 18-8002A to remove the requirement that the officer seize the defendant’s license upon refusal to submit to an alcohol concentration test or failure of the test. (This bill is intended to address the issues identified in *In re Kling*, 2010 WL 5023222 (Idaho App. Dec. 14, 2010).)

02/23 Governor signed
Session Law Chapter 15
Effective: 05/01/11

[H0067](#) – COURTS – Amends I.C. § 19-4708 to allow the Supreme Court, as well as district court clerks, to contract with collections services for collection of debts owed to the courts. (Court bill.)

02/23 Governor signed
Session Law Chapter 14
Effective: 07/01/11

[H0068](#) – COURTS – Provides that the Judicial Council will prepare its annual budget request, which will be included in the Judicial Branch budget request without alteration by the Supreme Court. This is consistent with current practice. (Court bill.)

02/23 Governor signed
Session Law Chapter 13
Effective: 07/01/11

[H0084](#) – FISH & GAME – Provides for a stepped five-year increase in licensing fees for outfitters, designated agents and guides.

02/02 House intro - 1st rdg - to printing
02/03 Rpt prt - to Res/Con
02/18 Rpt out - rec d/p - to 2nd rdg
02/21 2nd rdg - to 3rd rdg
02/23 3rd rdg - **PASSED - 47-22-1**
Title apvd - to Senate
02/24 Senate intro - 1st rdg - to Res/Env

[H0086](#) – CONTROLLED SUBSTANCES – Adds “synthetic drugs that mimic the effects of cannabis” (Spice) to Schedule I; includes an emergency clause making the change effective upon approval of the bill. [Replaced by HB139]

02/02 House intro - 1st rdg - to printing
02/03 Rpt prt - to Jud

[H0091a](#) – MOTOR VEHICLES – Requires vehicles carrying loads, dirt, sand or gravel to have that material securely loaded or covered to prevent spillage; exempts transport of timber, agricultural and livestock products and their byproducts, also exempts canal companies, irrigation districts, lateral ditch associations, water districts and other irrigation water delivery or management entities.

02/03 House intro - 1st rdg - to printing

02/04 Rpt prt - to Transp
 03/03 Rpt out - to Gen Ord
 03/15 Rpt out amen - to engros
 03/16 Rpt engros - 1st rdg - to 2nd rdg as amen
 03/17 2nd rdg - to 3rd rdg as amen
 03/18 To Gen Ord
 03/24 Rpt out amen - to engros
 03/25 Rpt engros - 1st rdg - to 2nd rdg as amen
 03/28 2nd rdg - to 3rd rdg as amen
 03/29 3rd rdg as amen - **PASSED - 62-6-2**
 03/30 Senate intro - 1st rdg - to Transp
 04/01 Rpt out - rec d/p - to 2nd rdg
 04/04 2nd rdg - to 3rd rdg
 04/05 To enrol
 04/06 Rpt enrol - Sp signed
 Pres signed
 04/07 To Governor

H0111 – CRIMINAL PROCEDURE -- Authorizes law enforcement officers appointed by the governing body of a federally recognized Indian tribe in Idaho who have been certified by POST to have completed basic POST training to enforce state laws within the exterior limits of the reservation of the tribe; would remove requirement of deputization by a sheriff or police chief.

02/04 House intro - 1st rdg - to printing
 02/07 Rpt prt - to Jud
 02/10 Rpt out - rec d/p - to 2nd rdg
 02/11 2nd rdg - to 3rd rdg
 02/17 3rd rdg - **FAILED - 34-35-1**
 Filed in Office of the Chief Clerk

H0117 – CONSTITUTIONAL LAW – Declares that the Patient Protection and Affordable Care Act and the Health Care is unconstitutional; states that the PPACA “shall not be enforced by the state of Idaho including, but not limited to, any of its departments, political subdivisions, courts, public officers or employees thereof”; prohibits issuing of judgments, writs or levies of execution to enforce the PPACA.

02/07 House intro - 1st rdg - to printing
 02/08 Rpt prt - to St Aff
 02/10 Rpt out - rec d/p - to 2nd rdg
 02/11 2nd rdg - to 3rd rdg
 02/16 3rd rdg - **PASSED - 49-20-1**
 02/17 Senate intro - 1st rdg - to St Aff

H0119 – CONTROLLED SUBSTANCES – Places certain synthetic stimulants in the class of cathinones and known as “bath salts” in Schedule I.

03/10 Governor signed
 Session Law Chapter 46
 Effective: 03/10/11

H0120 – PUBLIC EMPLOYEES – Requires candidates for sheriff to: (1) possess basic POST certification or the substantial equivalent from another jurisdiction; (2) possess within the last ten

years an intermediate POST certificate or level II detention officer certificate or the substantial equivalent from another jurisdiction; or (3) be a retired peace officer or detention officer with at least 20 years of service; exempts persons elected sheriff before the effective date of the act.

02/08 House intro - 1st rdg - to printing

02/09 Rpt prt - to Jud

02/17 Held for a time certain

[H0121](#) – DOMESTIC RELATIONS – Repeals I.C. § 11-204 and enacts a new I.C. § 11-204, providing that all separate property of a married person and all noncommunity rents, issues and profits of such property are exempt from execution for any separate debts of the married person's spouse; includes emergency clause making the bill effective on approval. (This bill is in response to *Credit Bureau of Eastern Idaho v. Lecheminant*, 149 Idaho 467, 235 P.3d 1188 (2010), which declared the existing I.C. § 11-204, which exempts only the separate property of the wife, to be unconstitutional.)

03/16 Governor signed

Session Law Chapter 86

Effective: 03/16/11

[H0127](#) – MOTOR VEHICLES – Makes several changes to I.C. § 49-673, dealing with safety restraints, to allow Idaho to receive federal funds. This bill would: (1) raise the limit on the vehicles to which the statute applies from 8,000 pounds to 10,000 pounds; (2) remove the exemption for occupants of emergency vehicles; (3) remove the requirement that violators under the age of 18 pay court costs; (4) allow drivers to be stopped for a safety restraint violation; and (5) provide that all occupants may be cited for a violation except those who are 14 or younger, and that the driver can be cited if one or more occupants who are 14 or younger are not wearing safety restraints.

02/09 House intro - 1st rdg - to printing

02/10 Rpt prt - Held at Desk

[H0128](#) – MEDICAL INDIGENCY – Modifies the Catastrophic Health Care provisions to change coverage from “necessary medical services” to “emergency medical services” and changes certain definitions.

02/10 House intro - 1st rdg - to printing

02/11 Rpt prt - to Com/HuRes

03/08 Rpt out - Ret'd to Desk for re-referral

Ref'd to Health/Wel

[H0139](#) – CONTROLLED SUBSTANCES – Adds tetrahydrocannabinols from synthetic drugs (Spice) to Schedule I; includes emergency clause making the provision effective upon approval.

03/10 Governor signed

Session Law Chapter 47

Effective: 03/10/11

[H0140a](#) – JUVENILES – Adds provisions on competency to the Juvenile Corrections Act; provides procedures and standards for determining competency, and procedures for restoration of competency. (Court bill.)

Governor signed

Session Law Chapter 178

Effective: 07/01/11

[H0141a](#) – MOTOR VEHICLES – Adds a new statute, I.C. § 49-610, addressing distracted driving; makes it an infraction, with a fixed penalty of \$75, for a driver to use a hand held electronic device that causes the driver to be distracted or otherwise fail to exercise due care.

02/10 House intro - 1st rdg - to printing
02/11 Rpt prt - to Transp
03/11 Rpt out - to Gen Ord
03/24 Rpt out amen - to engros
03/25 Rpt engros - 1st rdg - to 2nd rdg as amen
03/28 2nd rdg - to 3rd rdg as amen
03/29 3rd rdg as amen - **FAILED - 21-48-1**
Filed in Office of the Chief Clerk

[H0146](#) – MOTOR VEHICLES – Makes I.C. § 49-1421A, regarding high occupancy vehicle lanes, applicable throughout Idaho, rather than in certain counties, and includes highway maintenance vehicles in the definition of “authorized emergency vehicle.”

02/11 House intro - 1st rdg - to printing
02/14 Rpt prt - to Transp

[H0147a](#) – MOTOR VEHICLES – Exempts owners or operators of a ditch, canal, conduit or drain from the traffic provisions of title 49, chapter 6, while engaged in work within a right-of-way for the ditch, canal, conduit or drain.

04/05 Governor signed
Session Law Chapter 179
Effective: 07/01/11

[H0148](#) – REAL PROPERTY – Amends the Local Land Use Planning Act to provide that compatibility of land uses shall be considered in the preparation of a comprehensive plan, that the analysis shall include an analysis of the agricultural base of the area, and that the planning and zoning commission shall analyze proposed changes to zoning ordinances to ensure they are not in conflict with the policies of the plan.

03/16 Governor signed
Session Law Chapter 89
Effective: 07/01/11

[H0160](#) – MOTOR VEHICLES – Provides that a physician who has reason to believe that a patient is incompetent to drive may submit a report to the Department of Transportation; provides that the physician shall be exempt from liability or professional discipline for any report submitted in good faith.

03/23 Governor signed
Session Law Chapter 124
Effective: 07/01/11

[H0162](#) – MEDICAL MALPRACTICE – Amends I.C. § 39-1392c to provides that persons and health care organizations are immune from liability for actions taken or peer review decisions made based upon a peer review process. (This is in response to the decision in *Harrison v. Binnion*, 147 Idaho 645, 214 P.3d 631 (2009).)

02/15 House intro - 1st rdg - to printing
02/16 Rpt prt - to Health/Wel

03/03 Rpt out - rec d/p - to 2nd rdg
03/04 2nd rdg - to 3rd rdg
03/10 3rd rdg - **PASSED - 38-30-2**
03/11 Senate intro - 1st rdg - to Health/Wel
03/22 Rpt out - rec d/p - to 2nd rdg
03/23 2nd rdg - to 3rd rdg
03/30 3rd rdg - **FAILED - 14-21-0**
Ret'd to House

[H0163](#) – CRIMINAL PROCEDURE – Provides that restraints shall not be used on pregnant prisoners except in extraordinary circumstances, defined as “a substantial flight risk or some other extraordinary medical or security circumstance that dictates restraints be used to ensure the safety and security” of the prisoner, staff, other prisoners, or the public.

04/06 Governor signed
Session Law Chapter 223
Effective: 04/06/11

[H0166](#) – AGRICULTURE – Amends the Right to Farm Act; limits the circumstances in which an agricultural operation or facility can be found to be a nuisance; provides that the owner or operator of an agricultural operation or facility who prevails in an action asserting that the operation or facility is a nuisance shall be entitled to recover costs, expenses and attorney’s fees.

02/15 House intro - 1st rdg - to printing
02/16 Rpt prt - to Agric Aff

[H0168](#) – REAL PROPERTY – Provides that property can be taken by eminent domain only if the use to which the property is to be applied directly serves the interests of the residents of Idaho.

02/16 House intro - 1st rdg - to printing
02/17 Rpt prt - to St Aff

[H0178](#) – REVENUE BONDS – Authorizes cities owning municipal electric systems and political subdivisions or authorities operating airports to issue revenue bonds, as permitted by recent constitutional amendments.

03/25 Governor signed
Session Law Chapter 129
Effective: 07/01/11

[H0183a](#) – REAL PROPERTY – Amends the Mobil Home Park Landlord-Tenant Act to make it the Manufactured Home Residency Act, and provides that it applies to manufactured as well as mobile homes; revises and adds definitions; provides for sale of abandoned homes to satisfy liens; revises the provisions regarding community resident associations; and adds provision on how service of notice to a resident is to be made. (This bill replaces H0133.)

04/05 Governor signed
Session Law Chapter 184
Effective: 07/01/11

[H0186](#) – FISH & GAME – Prohibits the use of any aircraft in the taking of game.

02/22 House intro - 1st rdg - to printing
02/23 Rpt prt - to Res/Con

[H0187](#) – MEDICAL CARE – Amends I.C. § 18-611, addressing freedom of conscience for health care professionals, by providing that where there is a living will or physician's order for scope of treatment, and a physician has a conscience objection to the treatment desired by the patient, the physician shall make a good faith effort to assist the patient in obtaining another physician or health care provider before withdrawing.

04/06 Governor signed
Session Law Chapter 225
Effective: 07/01/11

[H0189](#) – REAL PROPERTY – Provides that when eminent domain is used by an entity other than a public utility, cooperative or municipality for the purpose transmission of electric power or manufacture of electric current, the entity shall demonstrate that such use directly serves the interests of the residents of Idaho.

02/22 House intro - 1st rdg - to printing
02/23 Rpt prt - to St Aff

[H0192](#) – REAL PROPERTY – Provides that eminent domain shall not be used for solely recreational purposes, except for bike paths, walking paths, greenways or other alternate or limited use corridors immediately adjacent and parallel to existing roads, bridges or railroads.

02/23 House intro - 1st rdg - to printing
02/24 Rpt prt - to St Aff

[H0193a](#) – MOTOR VEHICLES – Amends I.C. § 49-1004, pertaining to permits for overweight loads, to provide that when there is an action to set aside a special permit issued under that section, and either party seeks a stay, TRO, or preliminary injunction, the court shall require security in an amount of at least 5% of the appraised value of the product to be transported; provides that where there is a final judgment against the party seeking to set aside the special permit, the court shall award to the defendant the amount of money lost by the defendant's business as a result of the action.

02/24 House intro - 1st rdg - to printing
02/25 Rpt prt - to Transp
03/11 Rpt out - to Gen Ord
03/15 Rpt out amen - to engros
03/16 Rpt engros - 1st rdg - to 2nd rdg as amen
03/17 2nd rdg - to 3rd rdg as amen
03/21 3rd rdg as amen - **PASSED - 53-16-1**
03/22 Senate intro - 1st rdg - to Transp
03/25 Rpt out - to 14th Ord
04/01 Rpt out amen - to 1st rdg as amen
1st rdg - to 2nd rdg as amen
04/04 2nd rdg - to 3rd rdg as amen
Rls susp - **PASSED - 27-8-0**
04/05 House Held at Desk
House concurred in Senate amens - to engros
04/06 Rpt engros - 1st rdg - to 2nd rdg as amen
04/07 2nd rdg - to 3rd rdg as amen
Rls susp - **PASSED - 55-12-3**

[H0199](#) – REAL PROPERTY – Amends I.C. § 40-203 to provide that when a county or highway district abandons a highway or right-of-way, the abutting property owners shall have the right of continued access on the abandoned highway or right-of-way. (The objective is to ensure that property owners do not become landlocked as a result of abandonment.)

02/24 House intro - 1st rdg - to printing

02/25 Rpt prt - to Transp

[H0204](#) – CRIMES – Amends provisions relating to registration of postsecondary institutions and proprietary schools; makes it a misdemeanor to intentionally violate the provisions of the chapter; makes intentionally failing to register according to the provisions of the chapter “a felony punishable by imprisonment in the county jail not exceeding twelve (12) months.” (This bill appears to supersede H0036.)

04/05 Governor signed

Session Law Chapter 159

Effective: 07/01/11

[H0209](#) – ATTORNEY’S FEES – Amends I.C. § 12-117 to provide that attorney’s fees and other expenses can be awarded in administrative judicial proceedings and petitions for judicial review of administrative proceedings; provides that attorney’s fees and other expenses cannot be awarded under the statute to a state agency or political subdivision in a matter that affects a professional license, or in a matter imposing civil fines or penalties; provides that a person seeking to recover attorney’s fees under the statute must satisfy the requirements of I.C. § 12-120 if the amount pleaded is less than \$25,000, rather than the present statutory amount of \$2,500. (This bill is a reaction to the decision in *Smith v. Washington County*, 2010 WL 5093625 (Idaho December 15, 2010).)

03/01 House intro - 1st rdg - to printing

03/02 Rpt prt - to Jud

03/07 Rpt out - rec d/p - to 2nd rdg

03/08 2nd rdg - to 3rd rdg

03/11 3rd rdg - **PASSED - 67-0-3**

03/14 Senate intro - 1st rdg - to Jud

[H0211](#) – ATTORNEY’S FEES – Provides that an owner or operator of an agricultural operation or facility who prevails in an action asserting that the operation or a facility is a nuisance shall be entitled to recover costs, expenses and attorney’s fees.

03/01 House intro - 1st rdg - to printing

03/02 Rpt prt - to Jud

[H0215](#) – MOTOR VEHICLES – Makes the provisions of I.C. § 49-1421A, regarding high occupancy vehicle lanes, applicable throughout the state of Idaho, rather than only in counties with a population of less than 25,000. (This bill appears to supersede H0146.)

03/02 House intro - 1st rdg - to printing

03/03 Rpt prt - to W/M

[H0216](#) – MEDICAL INDIGENCY – Makes extensive amendments to medical indigency provisions.

03/02 House intro - 1st rdg - to printing

03/03 Rpt prt - to Health/Wel
03/23 Rpt out - rec d/p - to 2nd rdg
03/24 2nd rdg - to 3rd rdg
03/28 Ret'd to St Aff

[H0221](#) – MEDICAID – Makes changes in Medicaid payments, with projected savings of \$39,000,000; institutes co-pay provisions up to the level allowed by federal law; limits availability of payments for some services.

03/03 House intro - 1st rdg - to printing
03/04 Rpt prt - to Health/Wel

[H0222](#) – FIREARMS – Provides that the boards of trustees for state colleges and universities have no authority to regulate the lawful possession of firearms, except that they may regulate or prohibit the possession of firearms in undergraduate student housing.

03/03 House intro - 1st rdg - to printing
03/04 Rpt prt - to St Aff
03/11 Rpt out - rec d/p - to 2nd rdg
03/14 2nd rdg - to 3rd rdg
03/16 3rd rdg - **PASSED - 41-28-1**
03/18 Senate intro - 1st rdg - to St Aff

[H0225](#) – DRUGS COURTS – Amends I.C. § 19-5604 to provide that a drug court may admit a violent offender into drug court after consultation with the drug court team and with the consent of the prosecuting attorney. (Court bill.)

04/05 Governor signed
Session Law Chapter 186
Effective: 07/01/11

[H0226](#) – CRIMINAL PROCEDURE – Amends I.C. § 19-2604 to provide that a defendant is eligible to have a conviction set aside, or reduced from a felony to a misdemeanor, if there was no finding or admission in a probation violation proceeding of a violation of the terms of probation. (Court bill.)

04/05 Governor signed
Session Law Chapter 187
Effective: 07/01/11

[H0227a](#) – DUI – Provides that repeat DUI offenders who are participants in a mental health court program or similar problem-solving court program may be considered for a restricted driving permit for purposes of work, school, or alcohol treatment, provided they have served 45 days of a license suspension with no driving privileges, have an ignition interlock on their vehicles, and show proof of liability insurance. (Court bill.)

03/03 House intro - 1st rdg - to printing
03/04 Rpt prt - to Jud
03/14 Rpt out - to Gen Ord
03/15 Rpt out amen - to engros
03/16 Rpt engros - 1st rdg - to 2nd rdg as amen
03/17 2nd rdg - to 3rd rdg as amen
03/21 3rd rdg as amen - **PASSED - 68-0-2**
03/22 Senate intro - 1st rdg - to Jud
03/29 Rpt out - rec d/p - to 2nd rdg

03/30 2nd rdg - to 3rd rdg
 04/01 3rd rdg - **PASSED - 35-0-0**
 04/04 To enrol
 04/05 Rpt enrol - Sp signed
 Pres signed
 04/06 To Governor
 04/07 Delivered to Governor on 04/06

[H0228](#) – MOTOR VEHICLES – Exempts farm vehicles from the load requirements of I.C. § 49-1010 when the vehicles are being transported for the purpose of repair, maintenance or sale. (This bill supersedes H0092).

03/04 House intro - 1st rdg - to printing
 03/07 Rpt prt - to Transp
 03/11 Rpt out - rec d/p - to 2nd rdg
 03/14 2nd rdg - to 3rd rdg
 03/15 3rd rdg - **PASSED - 69-0-1**
 03/16 Senate intro - 1st rdg - to Transp
 03/23 Rpt out - rec d/p - to 2nd rdg
 03/24 2nd rdg - to 3rd rdg
 03/31 3rd rdg - **PASSED - 21-13-1**
 04/01 To enrol
 04/04 Rpt enrol - Sp signed
 Pres signed
 04/05 To Governor

[H0230](#) – CRIMES – Amends the provisions of I.C. § 67-7903 relating to attestations of citizenship or lawful presence in the United States to provide that a person who knowingly makes a false statement in such attestation or knowingly provides a Social Security number that has not been assigned to him is guilty of a misdemeanor for a first or second offense and guilty of a felony for each subsequent offense.

03/04 House intro - 1st rdg - to printing
 03/07 Rpt prt - to St Aff
 03/24 Rpt out - rec d/p - to 2nd rdg
 03/25 2nd rdg - to 3rd rdg
 03/25 2nd rdg - to 3rd rdg
 Rls susp - **PASSED - 64-3-3**
 03/28 Senate intro - 1st rdg - to St Aff
 04/04 Rpt out - rec d/p - to 2nd rdg
 04/05 2nd rdg - to 3rd rdg
 Rls susp - 3rd rdg
 04/07 **PASSED - 30-4-1**

[H0231a](#) – FISH & GAME – Prohibits the use of aircraft other than helicopters in the taking of big game from the ground on the same day as the use of the aircraft for the transportation or hunters or gear, except when the use is at recognized airports or landing fields or in the course of emergency search and rescue; makes an exception for the lawful control of wolves or predatory or unprotected wildlife when deemed necessary by federal or state agencies. (This bill supersedes H0186.)

03/04 House intro - 1st rdg - to printing

03/07 Rpt prt - to Res/Con
 03/10 Rpt out - to Gen Ord
 03/29 Rpt out amen - to engros
 03/30 Rpt engros - 1st rdg - to 2nd rdg as amen
 Rls susp - **PASSED - 64-0-6**
 03/31 Senate intro - 1st rdg - to Res/Env
 04/05 Rpt out - rec d/p - to 2nd rdg - to 3rd rdg
 Rls susp - **PASSED - 34-0-1**
 04/06 To enrol
 04/07 Rpt enrol - Sp signed

[H0234](#) – CRIMES – Amends I.C. § 18-8329 to require sex offenders to notify the school district annually and before the first visit and obtain written permission from the district to be on school grounds for the purpose of dropping off or picking up a child, attending an academic conference or other extracurricular event, or being temporarily on school grounds to make a delivery.

03/07 House intro - 1st rdg - to printing
 03/08 Rpt prt - to Jud
 03/17 Rpt out - rec d/p - to 2nd rdg
 03/18 2nd rdg - to 3rd rdg
 03/21 3rd rdg - **PASSED - 66-3-1**
 03/22 Senate intro - 1st rdg - to Jud
 03/29 Rpt out - rec d/p - to 2nd rdg
 03/30 2nd rdg - to 3rd rdg
 04/01 3rd rdg - **PASSED - 35-0-0**
 04/04 To enrol
 04/05 Rpt enrol - Sp signed
 Pres signed
 04/06 To Governor
 04/07 Delivered to Governor on 04/06

[H0235](#) – CRIMES – Amends chapter 85 of title 18, pertaining to gangs, to add offenses to the list of crimes that, when two or more are violated; constitute a pattern of criminal gang activity; provides that when a person knowingly commits one of the enumerated felonies for the benefit or at the direction of, or in association with, a criminal gang or criminal gang member, he shall be punished with an extended term of not less than two years and not more than five years.

04/05 Governor signed
 Session Law Chapter 188
 Effective: 07/01/11

[H0242a](#) – PROPERTY – Provides that eminent domain cannot be used to acquire property for trails, bike paths, walking paths, greenways or other alternate or limited use transportation corridors, except when they are adjacent to existing highways or bridges. (This bill supersedes H0192.)

03/09 House intro - 1st rdg - to printing
 03/10 Rpt prt - to St Aff
 03/15 Rpt out - to Gen Ord
 03/16 Rpt out amen - to engros
 03/17 Rpt engros - 1st rdg - to 2nd rdg as amen
 03/18 2nd rdg - to 3rd rdg as amen

03/21 3rd rdg as amen - **PASSED - 56-14-0**

03/22 Senate intro - 1st rdg - to Loc Gov

[H0252](#) – APPROPRIATIONS – Appropriation bill for the Department of Juvenile Corrections; reduces the general fund appropriation to the Department for FY 2011 by \$701,300; appropriates \$43,081,100 for FY 2012, a 2.5% decrease from the FY 2011 appropriation.

04/05 Governor signed
Session Law Chapter 162
Effective: 04/05/11 Section 1;
07/01/11 All other sections

[H0255](#) – PUBLIC AGENCIES – Provides that in order to receive any federal public benefit or state or local public benefit, the recipient shall provide proof of identity in a prescribed form to the entity dispensing the benefit; under 8 U.S.C. § 1621(c), “state or local public benefit” includes “any grant, contract, loan, professional license, or commercial license provided by an agency of a State or local government or by appropriated funds of a State or local government.”

03/11 House intro - 1st rdg - to printing

03/14 Rpt prt - to W/M

[H0260](#) – MEDICAID -- Makes changes in Medicaid payments, with projected savings of \$34,000,000; institutes co-pay provisions up to the level allowed by federal law; limits availability of payments for some services. (This bill supersedes H0221.)

04/05 Governor signed
Session Law Chapter 164
Effective: 07/01/12 Sections 22 & 23;
07/01/11 All other sections;
07/01/12 Sunset Clause - Section 24

[H0264](#) – PUBLIC EMPLOYEES – Makes several changes to the veteran preference in hiring provisions of I.C. § 65-502 et seq.

03/14 House intro - 1st rdg - to printing

03/15 Rpt prt - to Transp

03/25 Rpt out - rec d/p - to 2nd rdg

03/25 Rpt out - rec d/p - to 2nd rdg

03/28 2nd rdg - to 3rd rdg

03/29 3rd rdg - **PASSED - 67-0-3**

03/30 Senate intro - 1st rdg - to St Aff

04/04 Rpt out - rec d/p - to 2nd rdg

04/05 2nd rdg - to 3rd rdg

RLs susp - **PASSED - 34-0-1**

04/06 To enrol

04/07 Rpt enrol - Sp signed

[H0268](#) – PROPERTY – Amends I.C. § 7-701 to provide that where eminent domain is exercised by an entity other than a public utility, cooperative or municipality for the purpose of electric transmission lines or structures, facilities, or equipment for the production of electric current, the entity shall demonstrate that such use materially serves the interests of the citizens of Idaho.

03/14 House intro - 1st rdg - to printing

03/15 Rpt prt - to St Aff

03/18 Rpt out - rec d/p - to 2nd rdg
03/21 2nd rdg - to 3rd rdg
03/22 3rd rdg - **PASSED - 65-2-3**
03/23 Senate intro - 1st rdg - to St Aff

[H0272](#) – WATER – Amends I.C. § 42-108B, regarding leasing of water, to clarify the relationship of I.C. §§ 42-108A and 42-108B with I.C. § 42-1761 et seq. (The SOP states that the bill is in response to a recent district court proceeding in which the court suggested that clarifying legislation might be appropriate.)

03/14 House intro - 1st rdg - to printing
03/15 Rpt prt - to Res/Con
03/16 Rpt out - rec d/p - to 2nd rdg
03/17 2nd rdg - to 3rd rdg
03/21 3rd rdg - **PASSED - 55-11-4**
03/22 Senate intro - 1st rdg - to Res/Env
03/29 Rpt out - rec d/p - to 2nd rdg
03/30 2nd rdg - to 3rd rdg
04/01 3rd rdg - **PASSED - 32-3-0**
04/04 To enrol
04/05 Rpt enrol - Sp signed
Pres signed
04/06 To Governor
04/07 Delivered to Governor on 04/06

[H0274](#) – FISH & GAME – Provides that any time the gray wolf is listed as a nonessential experimental, threatened or endangered species in Idaho by the U.S. Department of the Interior or the Idaho Department of Fish and Game, all other state agencies and local governments are prohibited from investigating, arresting or prosecuting any person who removes a gray wolf from Idaho or causes injury or death to a gray wolf, and are also prohibited from assisting any federal authorities in arrest or prosecution in such cases.

03/14 House intro - 1st rdg - to printing
03/15 Rpt prt - to Res/Con
03/22 Rpt out - to Gen Ord

[H0276](#) – APPROPRIATIONS – Appropriation bill for the Department of Correction; appropriates an additional \$3,367,800 to the Department for FY 2011; appropriates \$173, 489, 500 to the Department for FY 2012, a 4.1% increase from the FY 2011 appropriation.

04/05 Governor signed
Session Law Chapter 192
Effective: 04/05/11 Sections 1 & 2;
07/01/11 All other sections

[H0277a](#) – PUBLIC OFFICERS – Provides that the Lieutenant Governor, Controller, Treasurer, Secretary of State, and Superintendent of Public Instruction may employ attorneys other than those under the supervision of the Attorney General.

03/15 House intro - 1st rdg - to printing
03/16 Rpt prt - to St Aff
03/23 Rpt out - rec d/p - to 2nd rdg
03/24 2nd rdg - to 3rd rdg

03/25 3rd rdg - **PASSED - 67-1-2**
 03/28 Senate intro - 1st rdg - to St Aff
 03/30 Rpt out - to 14th Ord
 04/04 Rpt out amen - to 1st rdg as amen
 1st rdg - to 2nd rdg as amen
 04/05 2nd rdg - to 3rd rdg as amen
 Rls susp - **FAILED - 11-24-0**
 04/06 Filed in Office of the Chief Clerk

[H0278](#) – PUBLIC OFFICERS – Creates the Office of Legislative Council to advise the Legislature; reduces the Attorney General’s budget to fund the new office.

03/15 House intro - 1st rdg - to printing
 03/16 Rpt prt - to St Aff

[H0280](#) – CIVIL PROCEDURE – Revises provisions relating to repurchase of farm equipment and agreements between suppliers and dealers of farm equipment; provides that in disputes between wholesalers, manufacturers or distributors of farm equipment and equipment dealers located in Idaho, Idaho courts shall have jurisdiction, venue shall be in the judicial district where the dealer’s principal place of business is located, and laws of the state of Idaho “shall exclusively apply to such disputes.”

03/16 House intro - 1st rdg - to printing
 03/17 Rpt prt - to Bus
 03/18 Rpt out - rec d/p - to 2nd rdg
 03/21 2nd rdg - to 3rd rdg
 03/22 3rd rdg - **PASSED - 60-7-3**
 03/23 Senate intro - 1st rdg - to Agric Aff
 03/29 Rpt out - rec d/p - to 2nd rdg
 03/30 2nd rdg - to 3rd rdg
 04/01 3rd rdg - **PASSED - 35-0-0**
 04/04 To enrol
 04/05 Rpt enrol - Sp signed
 Pres signed
 04/06 To Governor
 04/07 Delivered to Governor on 04/06

[H0281](#) – PUBLIC RECORDS – Amends the provisions of the public records statutes relating to when inquiry may be made of the requester of public records, when a fee may be charged for responding to a request, and what amount of fees may be charged; prohibits the filing of multiple requests to avoid payment of fees.

03/16 House intro - 1st rdg - to printing
 03/17 Rpt prt - to St Aff

[H0298](#) – CONSTITUTIONAL LAW – Provides that no person in Idaho shall be compelled to participate in a government health insurance program not authorized by the State of Idaho, and that every employer in Idaho is free to decide whether or not to offer health insurance plans for its employees; states that the “discretionary provisions” of the Patient Protection and Affordable Care Act “shall not be enforced, administered or enacted by the state of Idaho including, but not limited to, any of its departments, political subdivisions, courts, public officers or employees

thereof as specified by this section”; “discretionary provisions” are defined as those portions of the PPACA that are “not specifically required, mandated or directed of the states” and those requirements that “will not take effect or require state action prior to June 30, 2012.” (This bill supersedes H0059).

03/21 House intro - 1st rdg - to printing
03/22 Rpt prt - to Health/Wel
03/23 Rpt out - Ret'd to Desk for re-referral
Ref'd to St Aff
03/29 Rpt out - rec d/p - to 2nd rdg
03/30 2nd rdg - to 3rd rdg
Rls susp - **PASSED - 50-17-3**
03/31 Senate intro - 1st rdg - to St Aff
04/04 Rpt out - rec d/p - to 2nd rdg
04/05 2nd rdg - to 3rd rdg
Rls susp - **PASSED - 24-11-0**
04/06 To enrol
04/07 Rpt enrol - Sp signed

[H0300a](#) – COURTS – Imposes an additional \$10 fee for filing of civil cases, other than small claims, and for initial appearances in civil cases, to be deposited in an Access to Justice Fund, which is perpetually appropriated to Idaho Legal Aid Services.

03/21 House intro - 1st rdg - to printing
03/22 Rpt prt - to Jud
03/30 Rpt out - to Gen Ord
03/31 Rpt out amen - to engros
04/01 Rpt engros - 1st rdg - to 2nd rdg as amen
04/04 2nd rdg - to 3rd rdg as amen
Rls susp - **PASSED - 38-32-0**
Senate intro - 1st rdg - to Jud

[H0302](#) – PUBLIC RECORDS – Amends the provisions of the public records statutes relating to when inquiry may be made of the requester of public records, when a fee may be charged for responding to a request, and what amount of fees may be charged; prohibits the filing of multiple requests to avoid payment of fees. (This bill supersedes H0281.)

03/24 House intro - 1st rdg - to printing
03/25 Rpt prt - to 2nd rdg
03/28 2nd rdg - to 3rd rdg
03/29 Ret'd to St Aff

[H0311](#) – MOTOR VEHICLES – Creates the uninsured motorist identification database pilot program to provide statistical information regarding compliance levels with motor vehicle financial responsibility requirements; makes it a felony to knowingly release or disclose information from the database for a purpose other than those authorized in the act or to a person who is not entitled to such information.

03/25 House intro - 1st rdg - to printing
03/28 Rpt prt - to Transp

[H0319](#) – PERSI – Changes the provision that allows members of the Legislature to accumulate service time while in the Legislature, then take a higher-paying position in state government and, after serving in that position for 42 months, retire with the benefit provided by the higher pay; change would affect only those who leave the Legislature on or after July 1, 2011.

03/29 House intro - 1st rdg - to printing
Rpt prt - to St Aff

[H0328](#) – PUBLIC RECORDS – Amends the provisions of the public records statutes relating to when inquiry may be made of the requester of public records, when a fee may be charged for responding to a request, and what amount of fees may be charged; prohibits the filing of multiple requests to avoid payment of fees. (This bill supersedes H0281 and H0302.)

03/29 House intro - 1st rdg - to printing
03/30 Rpt prt - to 2nd rdg
Rls susp - **PASSED - 67-0-3**
03/31 Senate intro - 1st rdg - to St Aff
04/01 Rpt out - rec d/p - to 2nd rdg - to 3rd rdg
04/04 3rd rdg - **PASSED - 31-2-2**
04/05 Rpt enrol - Sp signed
Pres signed
04/06 To Governor
04/07 Delivered to Governor on 04/06

[H0338](#) – APPROPRIATIONS – Appropriation for substance abuse treatment and mental health services for FY 2012; appropriates \$4,827,700 to the Supreme Court for drug court and mental health court treatment; \$4,032,000 to the Department of Juvenile Corrections for juvenile offender community based substance abuse treatment; \$1,083,600 to the Department of Correction for Region 7 community corrections mental health project, and \$625,000 for felony offender community-based substance abuse treatment; and \$787,400 to the Office of Drug Policy for Region 4 dual diagnosis crisis beds operated by Ada County.

03/31 House intro - 1st rdg - to printing
04/01 Rpt prt - to 2nd rdg
04/04 2nd rdg - to 3rd rdg
Rls susp - **PASSED - 64-4-2**
Senate intro - 1st rdg - to Fin
04/05 Rpt out - rec d/p - to 2nd rdg - to 3rd rdg
Rls susp - **PASSED - 28-6-1**
04/06 To enrol
04/07 Rpt enrol - Sp signed

[H0351](#) – ELECTIONS – Provides for voter registration as affiliated with a political party or unaffiliated; provides that parties may choose whether to allow unaffiliated voters to vote in their primaries, and whether to allow voters affiliated with another political party to vote in their primary. (This bill is in response to the ruling in *Idaho Republican Party v. Ysursa*, 2011 WL 721633 (D.Idaho March 2, 2011); this bill supersedes S1198.)

04/06 House intro - 1st rdg - to printing
Rpt prt - to 2nd rdg
Rls susp - **PASSED - 51-16-3**
Senate intro - 1st rdg - to 2nd rdg

Rls susp - **PASSED - 28-7-0**

04/07 To enrol

[HCR009](#) – HEALTH & WELFARE – Directs the Department of Health and Welfare to develop a plan to privatize the operation of the Idaho State School and Hospital and to sell or use the state owned land and buildings surrounding the facility in a way that will financially benefit the state.

02/15 House intro - 1st rdg - to printing

02/16 Rpt prt - to Health/Wel

02/23 Rpt out - rec d/p - to 2nd rdg

02/24 2nd rdg - to 3rd rdg

02/28 3rd rdg - **ADOPTED - 45-24-1**

03/01 Senate intro - 1st rdg - to Health/Wel

[HJM001](#) – CONSTITUTIONAL LAW – Urges Congress to propose a constitutional amendment that would state that the “liberty of parents to direct the upbringing and education of their children is a fundamental right,” and that neither “the United States nor any state shall infringe upon this right without demonstrating that its governmental interest as applied to the person is of the highest order and not otherwise served.”

03/16 Delivered to Secretary of State on 03/15

Senate Bills

[S1002](#) – JUVENILES – Adds a statute to the Juvenile Corrections Act providing that no public entity, public employee or member of the custody review board shall be liable for releasing a juvenile from confinement or from the custody of the Department of Juvenile Corrections.

01/17 Senate intro - 1st rdg - to printing

01/18 Rpt prt - to Jud

01/26 Held in committee

[S1003](#) – JUVENILES – Amends I.C. § 20-518 to provide that juveniles being treated as adult offenders may be housed in a juvenile detention center if so ordered by the court, and that they may be housed in the general population without sight and sound separation if the detention administration determines that the safety and security of the other juveniles would not be at risk.

02/18 Governor signed
Session Law Chapter 7
Effective: 07/01/11

[S1004](#) – JUVENILES – Amends I.C. § 20-524 to provide that where the court has ordered the parents or legal guardians of the juvenile to pay for the care and treatment of the juvenile while in the custody of DJC, the responsibility for payment continues to accrue while the juvenile is in the custody of DJC, and continues until paid in full, regardless of the juvenile’s age. (This is intended to clarify that responsibility for payment can continue after the juvenile turns 18.)

01/17 Senate intro - 1st rdg - to printing

01/18 Rpt prt - to Jud

01/27 Rpt out - rec d/p - to 2nd rdg
01/28 2nd rdg - to 3rd rdg
02/01 3rd rdg - **PASSED - 28-6-0**
02/02 House intro - 1st rdg - to Jud
02/07 Held in committee

S1005 – JUVENILES – Makes extensive “housekeeping” revisions to the Juvenile Corrections Act, including redefining the terms “juvenile” and “juvenile offender.”

01/17 Senate intro - 1st rdg - to printing
01/18 Rpt prt - to Jud
01/18 Pulled

S1008 – COURTS – Provides that annual reports of the Administrative Director of the Courts are to be made for each fiscal year, rather than calendar year. (Court defects bill.)

03/03 Governor signed
Session Law Chapter 25
Effective: 07/01/11

S1009 – CIVIL PROCEDURE – Clarifies that service on a person or entity who is out of state and subject to the jurisdiction of Idaho courts under the long arm statute may be made as provided in I.C. § 5-515, and the submission of an affidavit and issuing of a court order for such service, as previously provided in I.C. § 5-508, are not required. (Court defects bill.)

03/03 Governor signed
Session Law Chapter 26
Effective: 07/01/11

S1010 – CIVIL PROCEDURE – Amends I.C. § 32-1215, regarding motions to quash, modify or terminate an income withholding order for child support, to provide that notice of the motion and hearing must be given as provided in the Idaho Rules of Civil Procedure; removes requirement of five days notice in the statute to eliminate conflict with 14 days notice required under IRCP 7(b)(3). (Court defects bill.)

03/03 Governor signed
Session Law Chapter 33
Effective: 07/01/11

S1011 – MOTOR VEHICLES – Amends I.C. § 49-624, regarding duty of driver on approaching a stopped police or emergency vehicle with flashing lights, to clarify that a driver traveling in a lane adjacent to the police or emergency vehicle must change lanes away from such vehicle. (Court defects bill.)

Governor signed
Session Law Chapter 17
Effective: 07/01/11

S1012 – COURTS – Amends I.C. § 1-505 to provide that persons and entities that are to receive copies of the Idaho Report may decline to receive those volumes, or may ask to receive fewer than they are entitled to under the statute. (Court defects bill.)

03/03 Governor signed
Session Law Chapter 34
Effective: 07/01/11

[S1013](#) – CONTROLLED SUBSTANCES – Provides that “blunt wraps” (individual tobacco wrappers made wholly or in part from tobacco) are drug paraphernalia.

01/18 Senate intro - 1st rdg - to printing

01/19 Rpt prt - to Jud

01/26 Held in committee

[S1014](#) – CRIMES AND CRIMINAL PROCEDURE – Amends I.C. § 18-6101 to provide that rape occurs where the female “submits under the belief that the person committing the act is someone other than the accused, and the belief is induced by artifice, pretense or concealment practiced by the accused, with the intent to induce such belief.”

03/03 Governor signed

Session Law Chapter 27

Effective: 07/01/11

[S1015](#) – FISH & GAME – Amends I.C. § 36-1101 to provide that use of a motorized vehicle used solely for transportation and not otherwise in violation of the statute’s provisions is not prohibited.

01/18 Senate intro - 1st rdg - to printing

01/19 Rpt prt - to Res/Env

[S1016](#) – FISH & GAME – States that rules shall not be adopted that prohibit the use of motorized vehicles on highways, roads, trails or other areas open for motorized travel that are maintained, controlled or located on federal, state or county owned lands or rights of way, not including areas owned or leased by the Department of Fish & Game; prohibits defining the use of a motorized vehicle as a method of take or aid to hunting.

01/18 Senate intro - 1st rdg - to printing

01/19 Rpt prt - to Res/Env

[S1024](#) – MOTOR VEHICLES – Makes it an infraction to use a cell phone while driving; provides exceptions for reporting of accidents, emergencies or road hazards, for reporting of crimes, for carrying out certain official duties, and for hands-free devices.

01/20 Senate intro - 1st rdg - to printing

01/21 Rpt prt - to Transp

[S1025](#) – MOTOR VEHICLES – Prohibits texting while driving; makes exceptions for hands-free devices, and for persons driving law enforcement, fire or emergency medical vehicles while acting within the course and scope of their duties.

01/20 Senate intro - 1st rdg - to printing

01/21 Rpt prt - to Transp

[S1026a](#) – PUBLIC RECORDS – Provides that the public records of the state of Idaho are the property of the citizens of the state and may not be improperly or unlawfully transferred or removed from their custodian; provides procedure for the state archivist to demand the return of public records, and for the Attorney General to petition a court of competent jurisdiction for an order requiring the return of the records; creates a rebuttable presumption that the record was not lawfully alienated from the custody of the public entity.

01/20 Senate intro - 1st rdg - to printing

01/21 Rpt prt - to Jud

02/14 Rpt out - to 14th Ord

[S1028](#) – PUBLIC RECORDS – States that a record that is exempt from disclosure become public when the justification for the exemption no longer exists; states that any exempt record shall be presumed to be public 75 years after its creation, and that any continued exemption after that period is subject to judicial review.

01/20 Senate intro - 1st rdg - to printing

01/21 Rpt prt - to Jud

[S1029](#) – CORRECTIONS – Adds to the situations where the Board of Correction may designate an employee as a peace officer by including situations where the employee acts “when present with and at the request of a local, state or federal law enforcement officer.”

03/03 Governor signed
Session Law Chapter 28
Effective: 07/01/11

[S1032](#) – CHILD PROTECTION – Amends the CPA to provide that an individual may continue in foster child status until his or her 20th birthday; provides that the court may continue DHW’s custody for up to two years after his or her 18th birthday if the court finds that such additional custody is in the best interest of the child and the child consents to such continuation.

01/21 Senate intro - 1st rdg - to printing

01/24 Rpt prt - to Health/Wel

[S1033](#) – CIVIL RIGHTS – Forbids discrimination in employment or accommodations on the basis of sexual orientation or gender identity.

01/21 Senate intro - 1st rdg - to printing

01/24 Rpt prt - to St Aff

[S1044a](#) – PROBATE AND CONSERVATORSHIPS – Amends I.C. §§ 15-3-715 and 15-5-424 to allow personal representatives and conservators in administration to take control of a decedent’s social networking, blogging and email.

03/16 Governor signed
Session Law Chapter 69
Effective: 07/01/11

[S1045](#) – TRUSTS – Provides that if the grantor has the power to substitute property of equivalent value, a trustee has a fiduciary duty to determine that the substitute property is of equivalent value prior to allowing the substitution.

03/03 Governor signed
Session Law Chapter 35
Effective: 07/01/11

[S1046](#) – TRUSTS – Amends I.C. § 15-7-302 to correct “prudent man” to “prudent investor”; amends I.C. § 68-514 to add “conservator.”

01/25 Senate intro - 1st rdg - to printing

01/26 Rpt prt - to Jud

[S1047](#) – PROBATE – Adopts a new statute, I.C. § 15-1-502, addressing the enforcement of no-contest clauses in both wills and trusts.

01/25 Senate intro - 1st rdg - to printing
01/26 Rpt prt - to Jud
02/08 Rpt out - rec d/p - to 2nd rdg
02/09 2nd rdg - to 3rd rdg
02/10 Ret'd to Jud

[S1048](#) – PUBLIC EMPLOYEES – Removes the requirement that a panel consisting of the chairmen of the Senate and House Judiciary Committees, the Chief Justice, the president of the Idaho State Bar and a citizen appointed by the Governor submit not less than 2 and not more than 4 names of qualified candidates to the Governor for appointment to the position of State Appellate Public Defender; gives Governor power to appoint SAPD with the advice and consent of the Senate.

02/18 Governor signed
Session Law Chapter 8
Effective: 07/01/11

[S1056](#) – GUARDIANSHIPS – Adopts the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act; provides for communication and coordination between courts in different states, taking of testimony of a witness located in another state, clarification of state court jurisdiction and appropriate forum, transfer of guardianships and conservatorships, and registration of orders from other states.

03/03 Governor signed
Session Law Chapter 36
Effective: 07/01/11

[S1057a](#) – CRIMINAL PROCEDURE – Amends I.C. § 39-604 to provide that all persons who are charged with a sex offense in which body fluid has likely been transmitted shall be tested for HIV, and if the victim so requests the test shall be administered within 48 hours after the date on which the person is charged. (This is intended to bring our statutes into compliance with federal requirements and avoid loss of federal funds.)

03/16 Governor signed
Session Law Chapter 70
Effective: 02/15/11

[S1063](#) – CRIMINAL PROCEDURE – Increases the maximum monthly supervision charge for persons on probation or parole from \$50 to \$75.

03/16 Governor signed
Session Law Chapter 73
Effective: 07/01/11

[S1064](#) – CRIMINAL PROCEDURE – Provides that the court, when ordering a presentence investigation, shall order the defendant to pay an amount not to exceed \$100 for the cost of conducting the PSI; also provides that the actual amount to be paid by the defendant shall be determined by the Department of Correction based on the defendant's ability to pay. [Replaced by SB1097]

02/01 Senate intro - 1st rdg - to printing
02/02 Rpt prt - to Jud

[S1067](#) – CRIMINAL PROCEDURE – Requires taking of DNA samples from all persons convicted of felonies, rather than the specified list of felonies in IC. § 19-5506. (The act would not go into effect until July 1, 2013, to allow for adequate funding to implement its provisions.)

04/06 Governor signed
Session Law Chapter 211
Effective: 07/01/13 Legislative provisions;
07/01/12 Funding provisions

[S1070a](#) – CRIMES – Adopts new statute, I.C. § 18-4017, making it a felony punishable by up to ten years to knowingly by force or duress cause another person to commit or attempt to commit suicide; makes it a felony punishable by up to five years to assist in a suicide; provides for obtaining injunctive relief against any person who is reasonably believed to be about to violate, or who is in the course of violating, these provisions; provides exemptions for administering, prescribing or dispensing medications or procedures to relieve pain or discomfort, and for withholding treatment in compliance with a living will and durable power of attorney for health care, a health care directive, a physician orders for scope of treatment and similar documents.

04/05 Governor signed
Session Law Chapter 194
Effective: 07/01/11

[S1072](#) – VEHICLES – Requires a child 12 or younger to wear a bicycle helmet when operating or a passenger on a bicycle.

02/09 Senate intro - 1st rdg - to printing
02/10 Rpt prt - to Transp

[S1077a](#) – WATER LAW – Provides procedure for consolidation of drainage districts.

02/10 Senate intro - 1st rdg - to printing
02/11 Rpt prt - to Res/Env
02/17 Rpt out - rec d/p - to 2nd rdg
02/18 2nd rdg - to 3rd rdg
02/23 3rd rdg - **PASSED - 34-0-1**
02/24 House intro - 1st rdg - to Res/Con
03/02 Rpt out - rec d/p - to 2nd rdg
03/03 2nd rdg - to 3rd rdg
03/09 To Gen Ord
03/15 Rpt out amen - to 1st rdg as amen
03/16 1st rdg - to 2nd rdg as amen
03/17 2nd rdg - to 3rd rdg as amen
03/23 3rd rdg as amen - **PASSED - 66-0-4**
03/24 Ref'd to 10th Ord
Senate concurred in House amens - to engros
03/25 Rpt engros - 1st rdg - to 2nd rdg as amen
03/28 2nd rdg - to 3rd rdg as amen
04/04 3rd rdg as amen - **PASSED - 35-0-0**
04/05 Rpt enrol - Pres signed
04/06 Sp signed
To Governor
04/07 Delivered to Governor on 04/07

[S1081](#) – DEVELOPMENTAL DISABILITIES – Provides procedures and standards for the admission and discharge of persons with developmental disabilities to and from the Idaho State School and Hospital.

03/22 Governor signed
Session Law Chapter 101
Effective: 07/01/11

[S1082](#) – DEVELOPMENTAL DISABILITIES – Changes the name of the Idaho State School and Hospital to the Southwest Idaho Treatment Center.

03/22 Governor signed
Session Law Chapter 102
Effective: 07/01/11

[S1092](#) – BOATING – Requires persons 16 and younger who are operating a vessel on the waters of the state of Idaho to have completed a boating safety education course or have passed an equivalency examination.

02/14 Senate intro - 1st rdg - to printing
02/15 Rpt prt - to Transp

[S1093a](#) – MOTOR VEHICLES – Provides that fender and mud flap violations under I.C. § 49-949 cannot form the basis of a stop and are punishable by a fine of \$10. (The fiscal note states that “citations in the section will go down from \$62 to \$10.” This indicates that the intention is that fees and costs will not be assessed for these violations.)

02/14 Senate intro - 1st rdg - to printing
02/15 Rpt prt - to Transp
02/18 Rpt out - to 14th Ord
03/03 Rpt out amen - to engros
03/04 Rpt engros - 1st rdg - to 2nd rdg as amen
03/07 2nd rdg - to 3rd rdg as amen
03/08 To 14th Ord
03/29 Ret'd to Transp

[S1097](#) – CRIMINAL PROCEDURE – Provides that when a court orders a presentence investigation, the court shall order the defendant to pay an amount to be determined by the Department of Correction, not to exceed \$100, which will be used as reimbursement for the cost of conducting the PSI.

03/16 Governor signed
Session Law Chapter 74
Effective: 07/01/11

[S1103](#) – FAMILIES AND CHILDREN – Provides that an action to collect child support arrearages can be commenced at any time prior to the expiration of the child support judgment or any renewal of the judgment; provides that a lien arising from the delinquency of payment due under a child support judgment continues until five years after the death or emancipation of the last child for whom support is owed unless the judgment is renewed, is previously satisfied or the enforcement of the judgment is stayed on appeal; provides that a court may renew a judgment for child support prior to the expiration of the lien and that the lien shall then continue for ten years from the date of the renewed judgment.

Governor signed
Session Law Chapter 104

Effective: 03/22/11

[S1104](#) – DRUGS; MENTAL HEALTH – Creates the Behavioral Health Transformation Office, which would replace the Office of Drug Policy and would “oversee and execute the coordination of the transformation of Idaho’s existing mental health and substance use disorder systems into a single, effective, outcome-based and recovery-oriented behavioral health system.” *Will not proceed this year.*

02/14 Senate intro - 1st rdg - to printing

02/15 Rpt prt - to Health/Wel
Will not proceed this year

[S1105a](#) – JUVENILES – Amends I.C. § 18-917A to provide that a first or second violation of the bullying provisions is an infraction and the third violation is a misdemeanor; provides that school districts and charter schools shall make reasonable efforts to ensure that information on harassment, intimidation and bullying is disseminated to school personnel, parents and students, and that they shall provide ongoing professional development to school staff to prevent, identify and respond to these behaviors.

02/14 Senate intro - 1st rdg - to printing

02/15 Rpt prt - to Educ

02/24 Rpt out - to 14th Ord

03/03 Rpt out amen - to engros

03/04 Rpt engros - 1st rdg - to 2nd rdg as amen

03/07 2nd rdg - to 3rd rdg as amen

03/08 3rd rdg as amen - **PASSED - 32-3-0**

03/09 House intro - 1st rdg - to Educ

03/23 Rpt out - rec d/p - to 2nd rdg

03/24 2nd rdg - to 3rd rdg

[S1116](#) – MOTOR VEHICLES – Amends I.C. § 18-8001 to remove the mandatory suspension of driving privileges for DWP and to make suspension discretionary with the court.

03/22 Governor signed
Session Law Chapter 105
Effective: 07/01/11

[S1117](#) – PUBLIC EMPLOYEES – Removes the requirement that a panel consisting of the chairmen of the Senate and House Judiciary Committees, the Chief Justice, the president of the Idaho State Bar and a citizen appointed by the Governor submit not less than 2 and not more than 4 names of qualified candidates to the Governor for appointment to the position of State Appellate Public Defender; gives Governor power to appoint SAPD with the advice and consent of the Senate. (This is identical to an earlier bill, but this bill includes an emergency clause making it effective upon approval.)

03/15 Governor signed
Session Law Chapter 67
Effective: 03/15/11

[S1118](#) – CRIMINAL PROCEDURE – Provides that counties can provide misdemeanor probation services through private sector contracts, and that such probation officers retained by private sector contract may receive POST training and certification.

03/23 Governor signed

[S1119](#) – CRIMINAL PROCEDURE – Requires bail companies to collect the full premium for a bail bond before the bond is posted, and provides that no bail agent or surety company shall have any financial affiliation with or indemnify or receive any compensation from any premium financier.

02/17 Senate intro - 1st rdg - to printing
02/18 Rpt prt - to Jud

[S1122](#) – CHILDREN AND FAMILIES – Provides that a grandparent or great-grandparent may petition the court for reasonable visitation rights in certain circumstances; provides that the court shall not grant visitation rights over the objection of a fit parent unless the petitioner shows by clear and convincing evidence that: (1) there is a pre-existing relationship between the petitioner and the child such that it would be in the best interests of the child to continue the relationship; (2) the petitioner is a fit and proper person to have visitation; and (3) visitation has been denied or unreasonably limited.

02/17 Senate intro - 1st rdg - to printing
02/18 Rpt prt - to Jud
02/24 Rpt out - rec d/p - to 2nd rdg
02/25 2nd rdg - to 3rd rdg
03/01 3rd rdg - **PASSED - 34-0-1**
03/02 House intro - 1st rdg - to Jud
03/07 Rpt out - rec d/p - to 2nd rdg
03/08 2nd rdg - to 3rd rdg
03/11 Ret'd to Jud

[S1126](#) – CRIMES – Would make it a misdemeanor for a person to carry a concealed weapon without a license only if the person is under the age of 21; would also prohibit the carrying of a weapon in the restricted areas of a correctional facility or law enforcement facility, in a court facility, or in the restricted areas of a public mental health facility.

02/18 Senate intro - 1st rdg - to printing
02/21 Rpt prt - to St Aff

[S1128](#) – REAL PROPERTY – Provides that when land has been transferred to a city or a right-of-way established for the purpose of creating a street and no street has been created there for a period of 50 years, the land shall revert to the transferor of the land or grantor of the easement or his or her heirs, if such person owns adjacent land.

02/22 Senate intro - 1st rdg - to printing
02/23 Rpt prt - to Loc Gov

[S1131](#) – TORTS -- Amends I.C. § 6-904B to provide immunity from liability, with the exceptions listed in that statute, for governmental entities and employees from actions arising out of a decision, act or omission relating to the operation of ditches, canals, drains or conduits for irrigating or drainage.

02/22 Senate intro - 1st rdg - to printing
02/23 Rpt prt - to Jud

[S1132](#) – TORTS – Provides that when claims are brought arising from the construction, operation or maintenance of impoundments, canals, laterals, drains or associated facilities under the control of an operating agency or irrigation district whose board consists of directors from member districts, then the claim may be brought only against the operating unit and the board and its member districts are to be considered a single governmental unit.

04/05 Governor signed
Session Law Chapter 197
Effective: 07/01/11

[S1134](#) – ELECTIONS – Amends I.C. § 34-304 to provide that only registered Idaho voters may serve as poll watchers.

02/24 Senate intro - 1st rdg - to printing
02/25 Rpt prt - to St Aff
03/07 Rpt out - to 14th Ord
04/01 Ret'd to St Aff

[S1135](#) – CRIMINAL PROCEDURE – Amends the Idaho Bail Act to revise the definition of surrender, amend the statute addressing surrender, and state that a person posting bail has the right to avail himself of the exoneration provisions of the Act for any reason sufficient to himself.

02/24 Senate intro - 1st rdg - to printing
02/25 Rpt prt - to Jud

[S1143a](#) – CRIMES – Makes extensive revisions to the provisions of chapter 28, title 25, pertaining to dogs; provides that permitting dogs to run at large in cities and certain other locations is an infraction; provides that the owner of a dog who injures or kills a companion animal or a production animal is guilty of an infraction, and the owner of a dog who damages a companion animal or a production animal and subsequently damages a domestic animal is guilty of a misdemeanor; states when force, including killing, can be used as a means of defense against a dog; adds provisions on orders that can be issued when a court finds that a dog is an “at-risk dog” or “dangerous dog.”

03/07 Senate intro - 1st rdg - to printing
03/08 Rpt prt - to Agric Aff
03/11 Rpt out - to 14th Ord
03/15 Rpt out amen - to engros
03/16 Rpt engros - 1st rdg - to 2nd rdg as amen
03/17 2nd rdg - to 3rd rdg as amen
03/21 3rd rdg as amen - **PASSED - 34-0-1**
03/22 House intro - 1st rdg - to Agric Aff
03/31 Rpt out - to Gen Ord

[S1145](#) – PROPERTY – Repeals I.C. §§ 58-310A and 58-310B, pertaining to leasing of state lands.

03/07 Senate intro - 1st rdg - to printing
03/08 Rpt prt - to St Aff
03/15 Rpt out - rec d/p - to 2nd rdg
03/16 2nd rdg - to 3rd rdg
03/21 3rd rdg - **PASSED - 18-16-1**
03/22 House intro - 1st rdg - to St Aff

[S1146](#) – PROPERTY – Enacts the Public Housing Protection Act, providing that a tenant of public housing can be evicted if the tenant, resident family member or a guest engages in certain criminal activity, including “any drug-related criminal activity,” whether on or off the public housing premises; provides that the court shall schedule a trial within 120 days from the filing of the complaint and service of the summons.

03/07 Senate intro - 1st rdg - to printing

03/08 Rpt prt - to Com/HuRes

[S1148](#) – CRIMES – Enacts a new chapter 5, title 18, providing that no abortion shall be performed, except in a medical emergency, unless there has been a determination of the probable post-fertilization age of the unborn child; provides that performing or attempting an abortion after the 20th week of pregnancy is a felony.

03/07 Senate intro - 1st rdg - to printing

03/08 Rpt prt - to St Aff

[S1154a](#) – CRIMES – Amends the sex offender registration statutes by removing the provisions relating to the violent sexual predator designation; creates a Sexual Offender Management Board to oversee sexual offender management policies and practices.

03/08 Senate intro - 1st rdg - to printing

03/09 Rpt prt - to Jud

03/17 Rpt out - to 14th Ord

03/22 Rpt out amen - to engros

03/23 Rpt engros - 1st rdg - to 2nd rdg as amen

03/24 2nd rdg - to 3rd rdg as amen

03/25 3rd rdg as amen - **PASSED - 34-0-1**

03/28 House intro - 1st rdg - to Jud

03/30 Rpt out - rec d/p - to 2nd rdg - to 3rd rdg

03/31 3rd rdg - **PASSED - 63-0-7**

04/01 To enrol

04/04 Rpt enrol - Pres signed

Sp signed

04/05 To Governor

Delivered to Governor on 04/05

[S1159](#) – FISH & GAME – Provides that the Department of Fish & Game shall not act to enforce federal laws relating to road closures or roads on federal land.

03/10 Senate intro - 1st rdg - to printing

03/11 Rpt prt - to Res/Env

[S1165](#) -- CRIMES – Enacts a new chapter 5, title 18, providing that no abortion shall be performed, except in a medical emergency, unless there has been a determination of the probable post-fertilization age of the unborn child; provides that performing or attempting an abortion after the 20th week of pregnancy is a felony. (This bill supersedes SB 1148.)

03/14 Senate intro - 1st rdg - to printing

Rpt prt - to St Aff

03/17 Rpt out - rec d/p - to 2nd rdg

03/18 2nd rdg - to 3rd rdg

03/23 3rd rdg - **PASSED - 24-10-1**
 03/24 House intro - 1st rdg - to St Aff
 03/31 Rpt out - rec d/p - to 2nd rdg
 04/01 2nd rdg - to 3rd rdg
 04/05 3rd rdg - **PASSED - 54-14-2**
 To enrol
 04/06 Rpt enrol - Pres signed
 04/07 Sp signed

[S1166a](#) – CRIMES – Amends I.C. § 72-801, relating to false representation for the purpose of obtaining worker's compensation, to make it a felony rather than a misdemeanor.

03/15 Senate intro - 1st rdg - to printing
 03/16 Rpt prt - to Com/HuRes
 03/18 Rpt out - rec d/p - to 2nd rdg
 03/21 2nd rdg - to 3rd rdg
 03/23 To 14th Ord
 03/24 Rpt out amen - to engros
 03/25 Rpt engros - 1st rdg - to 2nd rdg as amen
 03/28 2nd rdg - to 3rd rdg as amen
 Rls susp - **PASSED - 35-0-0**
 03/29 House intro - 1st rdg - to Com/HuRes

[S1185](#) – CRIMES – Revises certain provisions of the worker's compensation statutes; provides that it is a felony to make a false statement of a material fact, knowing it to be false, or to knowingly fail to disclose a material fact in any required application, examination or statement, or to make a false entry with intent to injure or defraud the fund or any beneficiary.

03/21 Senate intro - 1st rdg - to printing
 03/22 Rpt prt - to Com/HuRes
 03/25 Rpt out - to 14th Ord
 03/29 Rpt out amen - to engros
 Rpt engros - 1st rdg - to 2nd rdg as amen
 03/30 2nd rdg - to 3rd rdg as amen
 Rls susp - **PASSED - 33-1-1**
 03/31 House intro - 1st rdg - to Com/HuRes

[S1188](#) – CRIMINAL PROCEDURE – Amends the Idaho Bail Act to provide that bail shall be exonerated if the defendant has been surrendered by the person posting bail within 180 days of the order of forfeiture and a certificate of surrender has been filed within five business days of the surrender.

03/22 Senate intro - 1st rdg - to printing
 03/23 Rpt prt - to Jud
 03/29 Rpt out - rec d/p - to 2nd rdg
 03/30 2nd rdg - to 3rd rdg
 04/04 Ret'd to Jud

[S1196](#) – APPROPRIATIONS – Appropriates \$261,500 to the Office of Drug Policy.

03/28 Senate intro - 1st rdg - to printing
 Rpt prt - to Fin

03/29 Rpt out - rec d/p - to 2nd rdg
 03/30 2nd rdg - to 3rd rdg
 03/31 3rd rdg - **PASSED - 28-6-1**
 04/01 House intro - 1st rdg - to 2nd rdg
 04/04 2nd rdg - to 3rd rdg
 Rls susp - **PASSED - 58-11-1**
 04/05 To enrol
 Rpt enrol - Pres signed
 04/06 Sp signed
 To Governor
 04/07 Delivered to Governor on 04/07

S1198 – ELECTIONS – Provides for voter registration as affiliated with a political party or unaffiliated; provides that parties may choose whether to allow unaffiliated voters to vote in their primaries, and whether to allow voters affiliated with another political party to vote in their primary. (This bill is in response to the ruling in *Idaho Republican Party v. Ysursa*, 2011 WL 721633 (D.Idaho March 2, 2011).)

03/28 Senate intro - 1st rdg - to printing
 Rpt prt - to St Aff
 03/30 Rpt out - rec d/p - to 2nd rdg - to 3rd rdg
 Rls susp - **PASSED - 28-7-0**
 03/31 House intro - 1st rdg - to St Aff

S1200 – APPROPRIATIONS – Appropriates \$43,041,900 to the Supreme Court for FY 2012.

03/29 Senate intro - 1st rdg - to printing
 03/30 Rpt prt - to Fin
 Rpt out - rec d/p - to 2nd rdg
 03/31 2nd rdg - to 3rd rdg
 04/01 3rd rdg - **PASSED - 34-0-1**
 04/04 House intro - 1st rdg - to 2nd rdg
 04/05 2nd rdg - to 3rd rdg
 Rls susp - **PASSED - 63-1-6**
 To enrol
 Rpt enrol - Pres signed
 04/06 Sp signed
 To Governor
 04/07 Delivered to Governor on 04/07

S1203 – APPROPRIATIONS – Appropriation to the Permanent Building Fund for FY 2012; appropriates \$1,500,000 for Capitol Annex renovation.

03/30 Senate intro - 1st rdg - to printing
 Rpt prt - to Fin
 03/31 Rpt out - rec d/p - to 2nd rdg
 04/01 2nd rdg - to 3rd rdg
 04/04 3rd rdg - **PASSED - 34-0-1**
 04/05 2nd rdg - to 3rd rdg
 Rls susp - **PASSED - 61-7-2**
 To enrol

Rpt enrol - Pres signed
04/06 Sp signed
To Governor
04/07 Delivered to Governor on 04/07

[S1205](#) – APPROPRIATIONS – Millennium Fund appropriation for FY 2012; appropriates \$420,000 to the Supreme Court for youth courts, tobacco and alcohol diversion courts, and status offender services as they relate to addressing tobacco and/or substance abuse issues.

03/31 Senate intro - 1st rdg - to printing
04/01 Rpt prt - to Fin
04/04 Rpt out - rec d/p - to 2nd rdg - to 3rd rdg
04/05 3rd rdg - **PASSED - 33-2-0**
04/06 House intro - 1st rdg - to 2nd rdg
04/07 2nd rdg - to 3rd rdg
Rls susp - **PASSED - 34-32-4**

[S1208](#) – YOUTH CHALLENGE PROGRAM - Adds to existing law relating to the Youth Challenge Program to provide for the establishment and implementation of the Youth Challenge Program.

04/01 Senate intro - 1st rdg - to printing
04/04 Rpt prt - to Educ
Rpt out - rec d/p - to 2nd rdg
04/05 2nd rdg - to 3rd rdg
Rls susp - **PASSED - 32-2-1**
04/06 House intro - 1st rdg - to Educ
04/07 Rpt out - rec d/p - to 2nd rdg
Rls susp - **PASSED - 58-10-2**

[S1211](#) – MOTOR VEHICLES – Beginning January 1, 2012, increases the minimum amounts of liability insurance for injury to or death of one person, injury to or death of two or more persons in the same accident, and property damage from \$25,000/\$50,000/\$15,000 to \$50,000/\$100,000/\$30,000.

04/07 Senate intro - 1st rdg - to printing
Rpt prt - to Com/HuRes